

## **REMARKS**

Claims 1-8, 10-19, 21, and 29-34 are canceled without prejudice. Claims 9, 20, and 22-28 remain in the Application for consideration. In view of the following remarks, Applicant respectfully requests that the application be  
5 forwarded on to issuance.

### **Interview Summary**

Applicant's attorney, Michael Colby, wishes to thank Examiners Don Wong and Thanh-Ha Dang for a telephonic interview on February 6<sup>th</sup>, 2007.

10 During the interview, Applicant's attorney and the Examiners discussed differences between the art of record and the claimed subject matter, including that Sulistio, H. Chau, and/or Chan et al. do not teach subject matter recited in independent claims 9, 20, and 22. In the interest of expediting allowance of the application, however, and without conceding the propriety of the rejections,  
15 Applicant's attorney agreed to amend independent claims 9 and 20 to further clarify features of Applicant's invention and cancel the other independent claims. Applicant's attorney understood the Examiners to agree that independent claims 9 and 20, as amended, and 22 as originally filed, are allowable over the art of record.

Accordingly, independent claims 9 and 20 are amended herein as discussed  
20 during the interview.

### **Rejection under 35 U.S.C. § 101**

Claim 31 stands rejected under 35 U.S.C. § 101 allegedly as directed to non-statutory subject matter. The Office alleges that "Claim 31 recites an  
25 apparatus comprising 'means for locating ...; means for validating ...; and means for displaying ... invalid' that describes software component[s] supporting each of the respective means plus function elements. Therefore, the apparatus as a whole is at best directed only to an arrangement of software. The apparatus as such represents non-statutory subject matter." Current Action, paragraph 3.

Applicant cancels claims 31-34 without prejudice, thereby obviating the ground for the Office's rejection.

**Claim Rejections under 35 U.S.C. § 112**

5        Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter.

      Claims 1, 6, and 31 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly as failing to comply with the enablement requirement. The Office  
10        argues that "Claims 1, 6 and 31 recite '... using a second XPath expression' that there is no description from the Specification on how or where the second XPath is defined or obtained to validate a node." Current Action, paragraph 4.

      Though Applicant disagrees with the Office, Applicant cancels these claims without prejudice to expedite prosecution of the remaining claims, thereby  
15        obviating the ground for the Office's rejection.

**Rejections under § 102 and § 103**

      Claims 29-30 stand rejected under 35 U.S.C. § 102(e) allegedly as being anticipated by U.S. Patent Pub. No. 2003/0014397 to Hoang Chau et al. ("H.  
20        Chau"). Applicant cancels claims 29-30 without prejudice to expedite prosecution and without conceding the propriety of the Office's rejection.

      Claims 1-8 and 31-34 stand rejected under 35 U.S.C. § 103(a) allegedly as being obvious over U.S. Patent No. 7,107,282 to Aravind Yalamanchi ("Yalamanchi") in view of U.S. Patent No. 7,036,072 to Sulistio et al. ("Sulistio").  
25        Applicant cancels claims 1-8 and 31-34 without prejudice to expedite prosecution and without conceding the propriety of the Office's rejection.

      Claims 9-11, 12-14, and 20-21 stand rejected under 35 U.S.C. § 103(a) allegedly as being obvious over U.S. Patent Pub. No. 2004/0010752 to Chan et al. ("Chan et al.") in view of Sulistio. Applicant cancels claims 12-14 without

prejudice to expedite prosecution and without conceding the propriety of the Office's rejection.

Claims 15-19 stand rejected under 35 U.S.C. § 103(a) allegedly as being obvious over H. Chau in view of Sulistio. Applicant cancels claims 15-19 without prejudice to expedite prosecution and without conceding the propriety of the Office's rejection.

Claims 22-28 stand rejected under 35 U.S.C. § 103(a) allegedly as being obvious over Chan et al. in view of U.S Patent Pub. No. 2004/0123277 to Schrader et al. ("Schrader").

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### **Response**

As noted in the Interview Summary above, Applicant amends independent claims 9 and 20 in the understanding that they are allowable over the art of record. Applicant's attorney also understood the Examiners to agree that independent claim 22 and its dependent claims 23-28 are allowable over the art of record as originally filed.

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### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call to schedule an interview.

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Respectfully Submitted,

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